

REMARKS

Claims 1- 32 are in the application.

All objections and rejections are respectfully traversed.

The specification has been amended to correct various typographical and grammatical errors. The Applicants respectfully request that the Examiner approve the above amendments to the specification.

Claims 1 and 20 have been amended to recite a scheduler that generates a transmission schedule for the transmission of one or more promotions to a network device. In addition, claim 1 has been amended to recite a promotion agent subsystem at the network device configured to receive the transmission schedule and process it for the reception of the one or more promotions and claim 20 has been amended to send the one or more promotions to a network device based on the transmission schedule. Support for these amendments may be found at pages 2, 3, 7 and 8 of the Applicants' specification.

§ 102 Rejections

In the Office Action, claims 1-9, 11-14, 16, 20-25 and 27-32 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Number 5,774,170 to Hite, *et al.*, hereinafter "Hite" and claims 1-32 were alternatively rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent Number 6,029,045 to Picco, *et al.*, hereafter "Picco".

Differences Between the Claimed Invention and the Cited Art

Representative claim 1 recites in relevant part:

1. A system for targeting promotions to a network device, comprising:
a scheduler which generates a ***transmission schedule*** for the transmission of one or more promotions to the network device, wherein the transmission schedule ***specifies when the network device is to receive the one or more promotions...***

Applicants respectfully submit that Hite and Picco fail to disclose either implicitly or explicitly the Applicants' claimed ***transmission schedule*** that ***specifies when the network device is to receive the one or more promotions.***

At best, Hite discloses Commercial Identification codes (CIDs) and codes attached to promotions (commercials) which are used to control the display of promotions at a display site. As the Examiner notes in the Office Action, the CIDs are used to “tell” a display site which upcoming commercials to play and which to ignore. See Hite, column 5, lines 45-50, column 6, lines 28-33 and column 6, lines 45-59. In addition, codes are attached to promotions to indicate rules that control the display of the promotions at the display site (e.g., date, day-part, network, program context, etc.). See Hite, column 7, lines 1-9. In both cases, however, the codes are used to control the display of promotions at the display site and not to specify when a display site is to receive the promotions which is a claimed function performed by the Applicants’ claimed transmission schedules. Therefore, the codes disclosed by Hite do not explicitly or implicitly disclose the Applicants’ claimed *transmission schedule* that *specifies when the network device is to receive the one or more promotions*.

Picco discloses delivering promotions (local content) from an uplink station to set-top boxes; however, like Hite, Picco falls short of disclosing transmission schedules that indicate when promotions are to be received at a set-top box. This is because Picco is not concerned about delivering the promotions to the set-top boxes at a specific scheduled time to enable, e.g., the set-top boxes time to prepare to receive the promotions. Rather, promotions are broadcast to the set-top boxes as part of a live video stream which is broadcast to and continuously received by the set-top boxes. The set-top boxes merely extract the promotions from the live video stream and store the local content for later display. See Picco, column 6, line 42 to column 7, line 32 and column 13, lines 36-65. Since the promotions are contained in a live video stream that is continually received by the set-top boxes, the set-top boxes, e.g., need not take any additional preparatory steps to receive the promotions (e.g., tune to a particular multicast channel). Thus, there is no need to coordinate (schedule) a time between the set-top box and the uplink station as to when the set-top box can expect to receive the promotions and, e.g., prepare accordingly.

The Applicants, on the other hand, clearly claim generating a schedule which specifies when an end node device can expect to receive one or more promotions. By making the end node device aware of when it can expect to receive the promotions, the end node device can, e.g., take steps to prepare to receive the promotions (e.g., tune to a specific multicast stream carrying the promotions).

Because of the absence of a *transmission schedule* that *specifies when the network device is to receive the one or more promotions* in Hite and Picco, the Applicants respectfully submit that Hite does not render claims 1-9, 11-14, 16, 20-25 and 27-32 and Picco does not render claims 1-32 anticipated under 35 U.S.C. § 102. Therefore, the Applicants respectfully request that the above rejections to these claims be withdrawn.

§ 103 Rejections

In the Office Action, claims 10, 15 and 26 were rejected under 35 U.S.C. § 103 as being unpatentable over Hite and claims 17-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Hite in view of U.S. Patent Number 5,600,364 to Hendricks, *et al.*, hereinafter “Hendricks”.

As noted above, Hite fails to disclose the Applicants’ claimed *transmission schedule* that *specifies when the network device is to receive the one or more promotions*.

In Hendricks, program information from many sources are packaged in digital form at an operation center and transmitted via satellite to a head-end. See Hendricks, column 7, lines 16-28. The head-end receives the signals from the satellite and processes them. This processing may include inserting local promotions (advertisements) into the signals. See Hendricks, column 7, lines 28-33, column 10, lines 7-57 and column 15, lines 41-54. The processed signals are then transmitted from the head-end to set-top boxes (terminals) which are configured to further process the signals for television display. See Hendricks column 12, lines 7-17.

Like Picco and Hite, Hendricks falls short of disclosing transmission schedules that indicate when promotions are to be received at a set-top box. This is because, like Picco, Hendricks is not concerned about delivering the promotions to the set-top boxes at a specific scheduled time so that the set-top boxes can, e.g., prepare to receive the promotions. Rather, like Picco, the promotions in Hendricks are broadcast to the set-top boxes as part of a live video stream which originates at the operation center and is modified as necessary to include local advertisements by the head-end. The set-top boxes merely receive the video stream containing the promotions and convert it for television display.

For reasons set forth above, the Applicants respectfully submit that Hite and Hendricks taken either singly or in combination do not teach or suggest the Applicants’ claimed

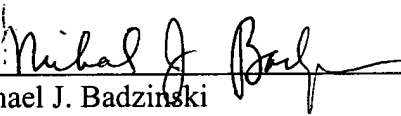
transmission schedule that *specifies when the network device is to receive the one or more promotions*. Therefore, the Applicants respectfully request that the above rejections to claims 10, 15 and 26 be withdrawn.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Michael J. Badzinski
Registration No. 51,425
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

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